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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LEZAK, ARRIENNE M

ART UNIT PAPER NUMBER

2143

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/851,727	Applicant(s) LAW ET AL.	
	Examiner Arrienne M. Lezak	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/23/02</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 9-11, 13-17 & 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent US 6,356,945 B1 to Shaw in view of US Patent Pub. US 2002/0089548 A1 to Marler.

3. Regarding Claims 1, 9, 13, 14 & 21, Shaw discloses a transmit-only, (or receive only – per pending Claim 9), apparatus and method comprising:

- a protocol stack including, (or excluding – per pending Claims 13 & 21) selected portions of the protocol used only for transmitting or only for receiving data, (Fig. 13; Col. 1, lines 13-67; Col. 2, lines 1-23; Col 19, lines 23-40 & Claims 1-26);
- configuring said transmit-only protocol stack in a transmit-only wireless device for transmitting data, (Col. 23, lines 37-45); and
- a transceiver communicatively coupled to said protocol stack and configured to physically transmit or receive said data, (Fig. 13 & Col. 19, lines 23-40).

4. Though Shaw teaches the use of wireless communication, (Col. 22, lines 58-64), Shaw does not specifically enumerate the use of Bluetooth technology. Marler

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discloses the use of Bluetooth wireless technology, (Marler – paragraph #0012). It would have been obvious to one of ordinary skill in the art at the time of invention by Applicant to incorporate the well-known Bluetooth wireless technology within the Shaw transmit/receive method as a means of transmitting and receiving information without the use of cumbersome wires, improving efficiency of electronic communication, (Shaw – Col. 1, lines 13-22). Examiner further notes that as Shaw discloses the enabling of a computing apparatus to exclusively transmit or receive, Shaw renders obvious Applicants transmit-only or receive-only protocol stack(s) and respective transceivers. Thus, Claims 1, 9, 13, 14 & 21 are found to be unpatentable in light of the combined teachings of Shaw in view of Marler.

5. Regarding Claims 2, 3, 10, 15, 16, 22 & 23, Shaw in view of Marler is relied upon for those teachings disclosed herein. Shaw further discloses an apparatus and method further comprising a wireless keyboard, (per pending Claims 2, 15 & 22), mouse, (per pending Claims 3, 16 & 23) or personal computer, (per pending Claim 10), enclosure within which said protocol stack and said transceiver could obviously be configured configured, (Col. 1, lines 13-22). Examiner notes that it would have been obvious to incorporate the transceiver and Bluetooth technology into any computer or computer peripheral device for wireless communication convenience. Examiner further notes that the incorporation of Bluetooth wireless technology into the Marler remote control device renders Applicant's placement of the same within communication device(s) obvious. Thus, Claims 2, 3, 10, 15, 16, 22 & 23 are found to be unpatentable in light of the combined teachings of Shaw in view of Marler.

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6. Regarding Claims 4, 11, 17 & 24, Shaw in view of Marler is relied upon for those teachings disclosed herein. Shaw further discloses a data source capable of generating said data, (per pending Claims 4, 17 & 24) as well as a data sink capable of processing said data, (per pending Claim 11), (Col. 19, lines 23-40; Col. 22, lines 58-64 & Col. 23, Lines 37-45). Thus, Claims 4, 11, 17 & 24 are found to be unpatentable in light of the combined teachings of Shaw in view of Marler.

7. Claims 5-8, 12 & 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent US 6,356,945 B1 to Shaw in view of US Patent Pub. US 2002/0089548 A1 to Marler in further view of US Patent 5,706,278 to Robilliard.

8. Regarding Claims 5-8, 12 & 18-20, Shaw in view of Marler is relied upon for those teachings disclosed herein. As noted above, Shaw discloses a bandwidth manager capable of reconfiguring bandwidth for time-sharing upgradability, (Col. 18, lines 39-56). Shaw, however, does not specifically enumerate a synchronization logic configured to synchronize data transmissions between said transmit-only apparatus and a second wireless apparatus by transmitting a synchronization packet prior to transmitting said data, said synchronization packet and said data being separated by a predetermined offset, said offset being usable by said second apparatus to identify said transmit-only apparatus, (per pending Claims 5, 12 & 18), and wherein said protocol stack is configured to encapsulate said data in a packet and cause said transceiver to transmit said packet twice in succession, (at two different frequencies – per pending Claim 8), within a predetermined window of time, (per pending Claims 6 & 19), wherein the predetermined window of time is 8.33 msec, (per pending Claims 7 & 20).

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9. Robillard discloses a deterministic distributed fault tolerant network protocol capable of transmitting (and receiving messages) at a predetermined time, (Col. 2, lines 26-67 & Col. 3; Col. 4, lines 1-12; Col. 7, lines 17-51 & Claims 1-33), using a timing beacon. It would have been obvious to combine the teachings of Shaw and Robillard as within a distributed fault tolerant system, data latencies are reduced when bounded to some known and predictable value, (Col. 2, lines 16-22), which value should be upgradeable as needed. Examiner further notes that both Shaw and Robillard disclose bi-directional and unidirectional transmission/communication means for transmitting and receiving via transceiver technologies, (Col. 2, lines 25-35). Moreover, the use of predetermined time periods for transmission of message types obviously includes any amount of time and easily and obviously translates to a means for identifying transmission source. Moreover, the notion of a timing beacon renders successive and variable frequency transmissions obvious. Thus, Claims 5-8, 12 & 18-20 are found to be unpatentable in light of the combined teachings of Shaw in view of Marler in further view of Robillard.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (703)-305-0717. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703)-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak
Examiner
Art Unit 2143

AML



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